

Helena  
DIVISION  
(You must fill in this blank. See Instruction F)

Kirk W. Eakin

Cathleen L. Bonitz-Eakin

*(Write the full name of each plaintiff who is filing this complaint. Each named plaintiff must sign the complaint.)*

Plaintiff,

-against-

Michelle Silverthorne, in her individual capacity

Donald Ferriter, in his individual capacity

Mark Laramore, in his individual capacity

Kristal Schraufnagel, in her individual capacity

SEE ATTACHED

*(Write the full name(s) of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. The names listed in the above caption must be identical to those contained in Section II. Do not include addresses here and do not use et al.)*

Defendants.

Case No. \_\_\_\_\_  
(to be filled in by the Clerk's Office)

**COMPLAINT**  
(Pro Se Non-Prisoner)

**RECEIVED**  
**MAY 14 2018**  
Clerk, U.S. Courts  
District of Montana  
Missoula Division

Jury Trial Demanded: ☒ Yes ☐ No  
(check one)

Count 1: Violation of Federal Civil Rights  
(42 USC 1983)

Count 2: Violation of Federal & State Civil Rights

Count 3: Intentional Infliction of Emotional Distress

Count 4: Abuse of Process

Count 5: Invasion of Privacy

Count 6: Declaratory Relief

Count 7: Negligence

**NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to

*Pro Se Non-Prisoner Complaint Form*  
Plaintiff's Last Name Eakin

(Revised April 2016)  
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**Continue list of Defendants:**

Lewis & Clark County Sheriff Department

Craig Struble, in his individual capacity

Cory Olson, in his individual capacity

Kathy Seeley, in her individual capacity

Andrew Breuner, in his individual capacity

Brady Minow Smith, in her individual capacity

Traci Shinaberger, in her individual capacity

Dr. Robert Page, in his individual capacity

Christine Munsey, in her individual capacity

Pamela Young, in her individual capacity

Jamie Rodriguez, in her individual capacity

Michael Russell, in his individual capacity

Sally Ann Mulcahy, in her individual capacity

and DOES 1 through 50, inclusive.

### INSTRUCTIONS

1. Use this form to file a civil complaint with the United States District Court for the District of Montana. Include only counts/causes of action and facts – not legal arguments or citations. You may attach additional pages where necessary. Your complaint must be typed or legibly handwritten in ink and on white paper. Write on only one side of the paper. Do not use highlighters and do not staple or otherwise bind your papers. All pleadings and other papers submitted for filing must be on 8 ½" x 11" paper (letter size). You must sign the complaint (see page 8). Your signature need not be notarized but it must be an original and not a copy. The Clerk's Office cannot provide you copies of documents in your file without prepayment of \$0.10 per page (for documents electronically available) or \$0.50 (for documents not electronically available). Please keep a copy of the documents you send to the Court.
2. The filing fee for a complaint is \$350.00 plus a \$50.00 administrative fee for a total of \$400.00. This amount is set by Congress and cannot be changed by the Court. If you pay the filing fee, you will be responsible for serving the complaint on each defendant and any costs associated with such service.
3. If you are unable to prepay the entire filing fee and service costs for this action, you may file a motion to proceed in forma pauperis.
4. Complaints submitted by persons proceeding in forma pauperis must be reviewed by the Court before defendants are required to answer. *See* 28 U.S.C. § 1915(e)(2). The Court will dismiss your complaint before it is served on defendants if: (1) your allegation of poverty is untrue; (2) the action is frivolous or malicious; (3) your complaint does not state a claim upon which relief may be granted; or (4) you sue a defendant for money damages and that defendant is immune from liability for money damages. After the Court completes the review process, you will receive an Order explaining the findings and any further action you may or must take. The review process may take a few months; each case receives the judge's individual attention. Plaintiffs should not serve defendants, pursue discovery, or request entry of default judgment prior to the completion of this review process.
5. The case caption (page 1 of this form) must indicate the proper Division for filing. The proper Division is where the alleged wrong(s) occurred. When you have completed your complaint, mail the *original* of your complaint and either the full filing fee or your motion to proceed in forma pauperis to the proper Division:

Billings Division:     *Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Garfield, Golden*

*Pro Se Non-Prisoner Complaint Form*  
*Plaintiff's Last Name* Eakin

*(Revised April 2016)*  
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*Valley, McCone, Musselshell, Park, Petroleum, Powder River, Prairie, Richland, Rosebud, Stillwater, Sweetgrass, Treasure, Wheatland, Wibaux, and Yellowstone Counties*

**U.S. District Court Clerk, 601 2nd Avenue North, Suite 1200, Billings, MT 59101**

**Butte Division:** *Beaverhead, Deer Lodge, Gallatin, Madison, and Silver Bow Counties*  
**U.S. District Court Clerk, 400 N. Main, Butte, MT 59701**

**Great Falls Division:** *Blaine, Cascade, Chouteau, Daniels, Fergus, Glacier, Hill, Judith Basin, Liberty, Phillips, Pondera, Roosevelt, Sheridan, Teton, Toole, and Valley Counties*  
**U.S. District Court Clerk, 125 Central Ave. West, Great Falls, MT 59404**

**Helena Division:** *Broadwater, Jefferson, Lewis & Clark, Meagher, and Powell Counties*  
**U.S. District Court Clerk, 901 Front St., Ste 2100, Helena, MT 59626**

**Missoula Division:** *Flathead, Granite, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties*  
**U.S. District Court Clerk, P.O. Box 8537, Missoula, MT 59807**

**I. Parties to this Complaint**

**A. Plaintiff**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Kirk W Eakin
Street Address	2598 Shaman Drive
City and County	Helena, Lewis and Clark
State and Zip Code	Montana 59601
Telephone Number	406-442-5186
E-mail Address	keakin@mt.net

**B. Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an



individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both.

## Defendant No. 1:

Name Lewis and Clark County Sheriff Dept.  
 Job or Title \_\_\_\_\_ (if known)  
 Street Address 228 Broadway  
 City and County Helena, Lewis and Clark  
 State and Zip Code Montana, 59601  
 Telephone Number 406-447-8221  
 E-mail Address \_\_\_\_\_ (if known)  
☐ Individual capacity ☒ Official capacity

## Defendant No. 2:

Name Michelle Silverthorne  
 Job or Title Child Protection Specialist (if known)  
 Street Address 2024 9th Ave  
 City and County Helena, Lewis and Clark  
 State and Zip Code Montana, 59601  
 Telephone Number 406-444-2030  
 E-mail Address msilverthorne@mt.gov (if known)  
☒ Individual capacity ☐ Official capacity

## Defendant No. 3:

Name Donald Ferriter  
 Job or Title Child Protection Specialist Supervisor (if known)  
 Street Address 2024 9th Ave  
 City and County Helena, Lewis and Clark  
 State and Zip Code Montana 59601  
 Telephone Number 406-444-2030  
 E-mail Address \_\_\_\_\_ (if known)  
☒ Individual capacity ☐ Official capacity

Defendant No. 4:

Name	Mark Laramore	
Job or Title	Chief of Centralized Intake	(if known)
Street Address	2024 9th Avenue	
City and County	Helena, Lewis and Clark	
State and Zip Code	Montana, 59601	
Telephone Number	406-444-2030	
E-mail Address	(if known)	

☒ Individual capacity                      ☐ Official capacity

(NOTE: If more space is needed to furnish the above information, continue on a blank sheet labeled "APPENDIX A: PARTIES").

## II. Basis for Jurisdiction

Check the option that best describes the basis for jurisdiction in your case:

- ☒ **Federal Question:** Claims arising under the Constitution, laws, or treaties of the United States. This includes claims brought under 42 U.S.C. § 1983 against state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]."
- ☐ **U.S. Government Defendant:** United States or a federal official or agency is a defendant. This includes claims brought against federal employees under *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971)
- ☐ **Diversity of Citizenship:** A matter between individual or corporate citizens of different states and the amount in controversy exceeds \$75,000.

## III. Venue

This court can hear cases arising out of the District of Montana. Under 28 U.S.C. § 1391, this is the right court to file your lawsuit if: (1) All defendants live in this state AND at least one of the defendants lives in this district; OR (2) A substantial part of the events you are suing about happened in this district; OR (3) A substantial part of the property that you are suing about is located in this district; OR (4) You are suing the U.S. government or a federal agency or official in their official capacities and you live in this district.

Please explain why venue is appropriate in this Court:

The events happened in Helena. The property that the plaintiff would like returned is in Helena as well.

**IV. Statement of Claim(s)**

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph.

**A. Count I: CLAIM 1**

1. What federal constitutional or statutory right(s) do you claim is/are being violated by defendants?

Unlawful removal of our children, coerced plaintiffs into signing documents, falsified documents/testimonies, perjury on stand, malicious parental alienation, abuse of power by government agencies, entrapment, failed to follow Federal/State Procedure manuals, lack of jurisdiction- PKPA/UCCJA, and right to SEE ATTACHED

2. What date and approximate time did the events giving rise to your claim(s) occur?  
December 16, 2013 to present

3. Supporting Facts: (Include all facts you consider important, including names of persons involved, places, and dates. Describe what happened without citing legal arguments, cases, or statutes).

Michelle Silverthorne contacted Plaintiff (CBE) in Pennsylvania before a Christmas vacation in Montana. CBE gave Silverthorne the name of a counselor and police officer to clarify/resolve situation. After she spoke with both individuals, Silverthorne informed CBE that it was okay to proceed with her trip. Silverthorne spoke with both of Plaintiff's daughters (HE and AE) days before the Montana vacation. Silverthorne asked AE if she could come to the office when she was in town. Silverthorne entrapped Plaintiff into bringing her daughters to Montana (as per Silverthorne notes) and she unlawfully removed them from CBE's care. Helena Sheriff Department along with CPS were at the airport and SEE ATTACHED

4. Defendants Involved: (List the name of each defendant involved in this claim and specifically describe what each defendant did or did not do to allegedly cause your injury).

SEE ATTACHED

(NOTE: For each additional claim, use a blank sheet labeled "APPENDIX B. STATEMENT OF CLAIMS." You must address paragraphs IV(A)(1-4) for each count., following the directions under IV.



**V. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive. (Do not cite legal arguments, cases, or statutes). Attach additional pages if needed.

Plaintiffs and family members- familial liberty interests violated, have suffered, and will continue to suffer, physical and/or mental anxiety/anguish and emotional injury, all to an extent and in an amount subject to proof at trial. Plaintiffs have also incurred, and will continue to incur, attorney fees, costs and expenses, to an extent an in an amount subject to proof at trial. Plaintiffs have been alienated from HE, entrapped and, denied reunification. Plaintiffs son is deceased due to the destruction of the family unit by the involvement of CPS.

(NOTE: If more space is needed to furnish the above information, continue on a blank sheet labeled "APPENDIX C: INJURY").

**VI. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

1. General damages and special damages according to proof, but in no event less than \$1,000,000;
2. As against only the individual defendants and not any municipality, punitive damages as allowed by law;
3. Attorney fees;
4. Injunctive relief, both preliminary and permanent, as allowed by law, (including preliminary injunctive relief to be based upon a separate application);
5. Cost of suit incurred herein;
6. Compensation for bills accumulated to date: \$36,241.01; and
7. Such further relief as the Court deems just and proper.

The events which took place from Dec 16, 2013 to the present has caused, and will continue to cause, great and irreparable injury to Plaintiffs and others in the family forever. Our son is dead as a result of CPS's involvement in our family. One daughter has been taken from our family for over 4 years. Not sure how one is compensated for loss family members. How does one put a price tag on grandparents, Aunts, Uncles, cousins not seeing their relatives? The family unit has been broken down by CPS and the system. Our family will never be the same as it was before that dreaded night in Helena, Montana. SEE ATTACHED

(NOTE: If more space is needed to furnish the above information, continue on a blank sheet labeled "APPENDIX D: REQUEST FOR RELIEF").



## VII. Plaintiff's Declaration

A. Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

B. I understand I must keep the Court informed of my current mailing address and my failure to do so may result in dismissal of this Complaint without notice to me.

C. I understand the Federal Rules of Civil Procedure prohibit litigants filing civil complaints from using certain information in documents submitted to the Court.

In order to comply with these rules, I understand that:

- social security numbers, taxpayer identification numbers, and financial account numbers must include only the last four digits (e.g. xxx-xx-5271, xx-xxx5271, xxxxxxxx3567);
- birth dates must include the year of birth only (e.g. xx/xx/2001); and
- names of persons under the age of 18 must include initials only (e.g. L.K.).

If my documents (including exhibits) contain any of the above listed information, I understand it is my responsibility to black that information out before sending those documents to the Court.

I understand I am responsible for protecting the privacy of this information.

D. I understand the submission of a false statement or answer to any question in this complaint may subject me to penalties for perjury. I declare under penalty of perjury that I am the Plaintiff in this action, I have read this complaint, and the information I set forth herein is true and correct. 28 U.S.C. §1746; 18 U.S.C. §1621.

Executed at 2598 JHAMAN Dr.  
Helena, MT 59601 on May 7, 2018.  
(Location) (Date)

Signature of Plaintiff: Kirk W. Eakin

Printed Name of Plaintiff: Kirk W. Eakin

## VII. Plaintiff's Declaration

A. Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

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D. I understand the submission of a false statement or answer to any question in this complaint may subject me to penalties for perjury. I declare under penalty of perjury that I am the Plaintiff in this action, I have read this complaint, and the information I set forth herein is true and correct. 28 U.S.C. §1746; 18 U.S.C. §1621.

Executed at 3464 Trindle Road  
Camp Hill, PA 17011 on May 7, 2018.  
(Location) (Date)

Signature of Plaintiff: Cathleen L. Bonitz-Eakin

Printed Name of Plaintiff: Cathleen L. Bonitz-Eakin

Commonwealth of Pennsylvania - Notary Seal  
STEPHANIE M. RIDER, Notary Public  
Cumberland County  
My Commission Expires November 19, 2021  
Commission Number 1137692